

The Honorable Benjamin Settle

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

JERRY LYNN DAVIS,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS;  
SASHA BANGS; JASON BUTZ; MICHAEL  
FURST; Corrections Sargent HULL; MARCI  
NEWLON; Grievance Coordinator T.  
PLEINES; AARON POLLARD;  
ELIZABETH ZEIGER; and Defendants DOE  
1-7,

Defendants.

NO. 3:20-cv-05433-BHS

STIPULATED MOTION

AND

ORDER

NOTED ON MOTION  
CALENDAR:

May 6, 2021

For good cause shown the Court may modify the deadlines in the scheduling order. Fed. R. Civ. P. 16(b)(4); see also LCR 16(b)(6). The “good cause” standard primarily considers the diligence of the party seeking the amendment. See *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

The undersigned parties request the Court extend the deadline to complete discovery thirty-one days from July 12, 2021, to **August 12, 2021**, and, given extension of the foregoing

1 deadline would overtake the currently scheduled deadline to file dispositive motions (8/11/2011)  
2 that the Court extend the deadline to file dispositive motions by two weeks to **August 25, 2021**.

3 Because of the continued operational problems associated with the COVID-19 pandemic  
4 including but not limited to personnel changes and furloughs within the Department of Corrections  
5 and Office of the Attorney General (Dkt # 29, # 38), discovery has been slower than anticipated  
6 among all undersigned parties. Specifically, several attorneys of the Office of the Attorney General  
7 who appeared on behalf of Defendants Department of Corrections, Bangs, Butz, Hull, Newlon,  
8 Pleines, and Pollard (collectively the “Defendants”) resigned and/or retired from this matter  
9 throughout 2020 which significantly delayed discovery efforts between Plaintiff and Defendants.

10 Also, operational problems associated with the COVID-19 pandemic have continued to  
11 cause Defendant DOC to incur considerable slowdowns and delays in obtaining and compiling  
12 requested information and documents sought by Plaintiff across DOC’s various facilities during the  
13 first and second quarters of 2021. Additionally, Plaintiff requested information and documents from  
14 Defendants entailing the potential production of information subject to confidentiality, privacy  
15 concerns, and/or the security privilege, resulting in motion practice over the past several months,  
16 which, though necessary, resulted in delayed discovery.

17 Further, the parties anticipate taking depositions of multiple fact witnesses and experts  
18 within the next two months but face scheduling issues even with the exercise of reasonable  
19 diligence. The parties would benefit from having additional time to schedule depositions on dates  
20 that work with the deponents’ schedules and that of all counsel.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

Therefore, the undersigned parties hereby request that the Court continue the deadline to complete discovery by thirty-one days to **August 12, 2021**, and continue the deadline to file dispositive motions by two weeks to **August 25, 2021**.

IT IS SO STIPULATED this 6<sup>th</sup> day of May, 2021

**Washington State Office of the Attorney General      Law Office of Jackson Millikan PLLC**

By: s/Brian Hong  
Andrew Biggs, WSBA # 11746  
Brian Hong, WSBA # 56085  
Torts Division  
800 Fifth Avenue, Ste. 2000  
Seattle, WA 98104-3188  
Andrew.Biggs@atg.wa.gov  
Brian.Hong@atg.wa.gov  
(206) 464-7352  
Attorneys for Defendants the Department of  
Corrections, Bangs, Butz, Hull, Newlon, Pleines  
and Pollard

By: s/Jackson Millikan (per email  
authorization received on 5/6/2021)  
Jackson Millikan, WSBA # 47786  
Law Office of Jackson Millikan  
2540 Kaiser Road NW  
Olympia, WA 98502  
Jackson@millikanlawfirm.com  
(360) 866-3556  
Attorney for Plaintiff

**FAVROS Law Firm**

By: s/Philip VanDerhoef (per email  
authorization received on 5/6/2021)  
Philip VanDerhoef, WSBA # 14564  
Caitlyn Spencer, WSBA # 51437  
Fain Anderson VanDerhoef  
Rosendahl O'Halloran Spillane,  
PLLC  
701 Fifth Avenue, Ste. 4750  
Seattle, WA 98104  
phil@favros.com  
caitlyn@favros.com  
(206) 957-2038  
Attorneys for Defendant Furst

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26

Dated this 11th day of May, 2021.

BENJAMIN H. SETTLE  
United States District Judge

**Washington State Office of the Attorney General**

Andrew Biggs, WSBA # 11746  
Brian Hong, WSBA # 56085  
Torts Division  
800 Fifth Avenue, Ste. 2000  
Seattle, WA 98104-3188  
Andrew.Biggs@atg.wa.gov  
Brian.Hong@atg.wa.gov  
(206) 464-7352  
Attorneys for the Department and Defendants  
Bangs, Butz, Hull, Newlon, Pleines and Pollard